

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

KENNETH C. HILL,)	
)	
Petitioner)	
)	
vs.)	No. CIV-05-818-C
)	
JOHN WHETSEL,)	
)	
Respondent)	

JUDGMENT OF DISMISSAL WITHOUT PREJUDICE

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Gary M. Purcell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Purcell entered a Report and Recommendation on August 16, 2005, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

The facts and relevant law are set out in full in the accurate and well-reasoned opinion of the Magistrate Judge. No point would be served in repeating that analysis. In his objection, Petitioner merely restates the conclusions and legal argument originally asserted. There is nothing asserted by Petitioner which was not fully considered and correctly rejected by the Magistrate Judge, and no argument of fact or law is set forth in the objection which would require a different result.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, abstains from further action and dismisses this petition for habeas corpus relief without prejudice. Petitioner's "Petition for Writ of Mandamus for Judicial Review in the Matter of Initial Partial Filing Fee(s) Submitted by Petitioner Custodian" (Dkt. No. 14) is denied as it is without legal or factual foundation.

IT IS SO ORDERED this 7th day of September, 2005.



ROBIN J. CAUTHRON
United States District Judge